

March 7, 1933.

Honorable Harry W. Hill,
President, State Senate,
Capitol Building,
Phoenix, Arizona.

Dear Sir:

Pursuant to your request to be advised as to whether or not it is mandatory that the Legislature adjourn at the expiration of sixty days from the date it convened, or may continue in session indefinitely, I give you herewith my opinion:

Section 22, Article 4, Constitution of Arizona, provides as follows:

"Until otherwise provided by law, members of the Legislature shall receive seven dollars per day; Provided, however, that they shall receive such salary for a period not to exceed sixty days in any one session. They shall also receive mileage one way, by the shortest practicable route, at the rate of twenty cents per mile."

Article 4 of the constitution was amended by the people at the last general election and, among the several amendments thereto, the following was added, replacing Section 22 thereof:

"From and after the adoption of this amendment members of the legislature shall receive \$8.00 per day; provided however, that they shall receive such compensation for a period not to exceed 60 days in any one regular session and for a period of not to exceed 20 days in any one special session. They shall also receive mileage one way by the shortest practical route at the rate of 20¢ per mile. The total number of attaches or employees of the Senate shall not exceed 14 and the total number of attaches or employees of the House of Representatives shall not exceed a number equal to two-thirds of the members thereof, and the compensation of such attaches or employees except the chief clerk or secretary of each branch shall not exceed \$5.00 per day."

It is my opinion that the sixty day limitation referred to in said Article 4, and the above quoted amendment thereto, has reference only to the number of days for which compensation may be paid to the members of the Legislature and not to the number of days that the Legislature may be in session. After the expiration of sixty days from the convening of the

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of the present legislature, no compensation may be paid to the members thereof but the legislature may continue in session with full power and authority for such time as it may desire, and the legislative term may be extended by successive day to day recesses.

I call your attention, however, to the provisions of Sub-Section 3 of Section 1 of Article 4 of the constitution. Under the provisions thereof, no measure, except emergency measures, will become a law until ninety days after the final adjournment of the legislature.

You have further asked my advice upon the following question:

"Should the Legislature continue in session for a period beyond sixty days, may the attaches be paid their per diem compensation prescribed by law for the additional days the Legislature is in session beyond the sixty day period."

It is my opinion that such compensation may be paid to the attaches.

You are further advised that any necessary expenses incurred by the Legislature in the performance of its duties during the period it is in session beyond the sixty day period are legal charges against the state and may be paid.

Very truly yours,

ARTHUR T. LAPRADE

Attorney General.

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